

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 76-10 (as amended)

Introduced by Councilman William Cooper, Jr.Legislative Day No. 76-3 Date: January 20, 1976

AN EMERGENCY ACT to provide relief and compensation to the
several affected residents of Perryman for
losses sustained by the said residents due to
their loss of water as a result of the construction
of certain public water facilities in the
Perryman area.

By the Council, January 20, 1976

Introduced, read first time, ordered posted and public hearing scheduled

on: February 17, 1976at: 7:00 p.m.By Order: Angela Marchewski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place
of hearing and Title of Bill having been published according to the
Charter, a public hearing was held on February 17, 1976
and concluded on February 17, 1976.

Angela Marchewski, SecretaryBILL NO. **76-10**
AS AMENDED

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1 WHEREAS, Harford County has constructed several public
2 facilities for the distribution of water to certain areas of
3 the said Harford County, the said facilities having been
4 constructed in and about the Perryman area; and

5 WHEREAS, it has been found and determined that the
6 depth of the wells installed by Harford County, as well as
7 the resulting drain from the said wells, has caused the water
8 table in the area to drop; and

9 WHEREAS, as a result of the said resulting drop in the
10 water table, many of the residents of Perryman, who prior to
11 the actions of the County, had adequate well water, were without
12 any supply of water, or had their water supply so lowered as to
13 require them to hook up to the distribution system of Harford
14 County; and

15 WHEREAS, it is hereby found and determined that Harford
16 County has an obligation to the residents of Perryman to, at
17 least, place said residents in the same position they were in
18 prior to the actions of the County in producing the deep wells;
19 and

20 WHEREAS, the residents of Perryman have been requested to
21 obtain County water and have been provided with hookups to the
22 County water distribution system and have incurred charges for
23 the costs thereof.

24 NOW, THEREFORE,

25 Section 1. *Be It Enacted By The County Council Of Harford County,*
26 *Maryland,* that the following means of compensation be provided
27 to the affected residents of Perryman for the losses incurred as
28 a result of the loss or lack of water.

29 (a) That any residents of Perryman who have incurred
30 expenses pursuant to any Public Works Agreement entered into
31 with Harford County for the installation of water hookups shall
32 have said expenses or charges returned and refunded to them upon

1 the presentation of a verified claim, to be made to the Department
2 of Public Works of Harford County.

3 (b) The Department of Public Works be, and it is hereby
4 directed to abate any outstanding charges against any resident
5 of Perryman who has been charged for the installation of water
6 hookups, but has not paid the same.

7 (c) The Department of Public Works be, and it is hereby
8 directed to waive and abate any charges against the affected
9 residents of Perryman for the installation of water hookups
10 furnished to their properties within the Perryman area; provided,
11 however, that the provisions of this subsection shall be
12 applicable only to the present owners of the affected properties
13 and should any said property owner sell, transfer or otherwise
14 dispose of any affected property, the Department of Public Works
15 shall provide for the payment, by the new owner of the said
16 property, of charges for any water hookups thereafter made to
17 such new owner's property; and provided further, that any such
18 abatement or rebate of water hookup installation charges shall
19 not include any costs incurred by the affected property owner
20 for bringing water from the meter to the improvements on any
21 such property; and provided further, that all such claims for
22 rebates or abatement of water hookup installation charges or
23 demands for water hookup installations, as herein provided,
24 shall be presented not later than six (6) months from the date
25 of passage of this Bill, and, thereafter, no such claim shall
26 be honored; and provided further, that the Director of Public
27 Works be, and he is hereby authorized to obtain from any person
28 making claim pursuant to this Bill, and as a condition precedent
29 to the honoring of any such claim, an agreement from such person
30 nullifying any prior Public Works Agreement entered into between
31 such person making claim and Harford County for the installation
32 of water hookups.

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1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF HARFORD COUNTY,
2 MARYLAND, THAT THE FOLLOWING PROVISIONS SHALL APPLY TO THOSE
3 PERSONS AFFECTED, AS FURTHER DEFINED BELOW, BY THE PUBLIC WORKS
4 AGREEMENT WITH HARFORD COUNTY, MARYLAND, DATED MARCH 4, 1975,
5 AS AMENDED, AND THOSE OTHER PROPERTIES AS SHOWN ON A PLAT
6 ENTITLED, PERRYMAN AREA WATER SERVICE, DATED APRIL 12, 1974,
7 REVISED MAY 1, 1974, THEIR SUCCESSORS AND ASSIGNS, COPIES OF
8 WHICH ARE ATTACHED HERETO AND MADE A PART HEREOF AS THOUGH THE
9 AGREEMENT AND PLAT WERE FULLY SET FORTH HEREIN:

10 (a) PERSONS AFFECTED BY THE PROVISIONS OF THIS ACT ARE
11 DESIGNATED AS THE SIGNATORIES TO THE PUBLIC WORKS AGREEMENT
12 BETWEEN THEM, AS CLAIMANTS, AND HARFORD COUNTY, MARYLAND, AND
13 THOSE OTHER PERSONS PROVIDED WATER SERVICE BY THE HARFORD COUNTY
14 PERRYMAN AREA WATER CONTRACT NO. 6295 AND THOSE OTHER PROPERTIES
15 AS SHOWN ON A PLAT ENTITLED, PERRYMAN AREA WATER SERVICE, DATED
16 APRIL 12, 1974, REVISED MAY 1, 1974, ONLY, WHO HAVE CONNECTED
17 TO THE WATER SYSTEM OF HARFORD COUNTY, MARYLAND, BEFORE THE
18 EXPIRATION OF SIX (6) MONTHS AFTER THE EFFECTIVE DATE OF THIS
19 ORDINANCE; AND WHO HAVE, ALSO, WITHIN THE SAME SIX (6) MONTH
20 PERIOD, APPLIED FOR THE RELIEF PROVIDED FOR HEREIN AND WHO ALSO
21 EXECUTE AN AGREEMENT WAIVING, RELINQUISHING, COMPROMISING AND
22 SETTLING ANY AND ALL CLAIMS FOR DAMAGES, PAST, PRESENT AND
23 FUTURE THAT THEY AND THEIR SUCCESSORS AND ASSIGNS MAY HAVE AGAINST
24 HARFORD COUNTY, MARYLAND, ITS SUCCESSORS AND ASSIGNS, FOR ANY
25 DAMAGES RESULTING FROM ANY TAKING OR DIMINUTION OF THEIR WATER
26 SUPPLY; AND PROVIDED THAT THEY FURTHER AGREE, WITHIN THE SAME
27 SIX (6) MONTH PERIOD, TO PAY ANY AND ALL OTHER PRESENT AND FUTURE
28 CHARGES, EXPENSES, TAXES, ASSESSMENTS AND FEES AS MAY BE LEVIED
29 AGAINST OR CHARGED TO ALL USERS WITHIN THE SANITARY DISTRICT
30 OF HARFORD COUNTY, MARYLAND.

31 (b) PERSONS AFFECTED SHALL WAIVE ALL RIGHTS THAT THEY
32 AND THEIR SUCCESSORS AND/OR ASSIGNS MAY NOW OR HEREAFTER HAVE

1 UNDER THE TERMS OF THE PUBLIC WORKS AGREEMENT DATED MARCH 4, 1975,
2 AS AMENDED, WITH HARFORD COUNTY, MARYLAND.

3 (c) UPON APPLICATION, A PERSON AFFECTED SHALL BE EXCUSED
4 FROM THE PAYMENT OF THE BENEFIT ASSESSMENT, AREA CONNECTION
5 CHARGE AND METER INSTALLATION CHARGE PROVIDED FOR IN SECTIONS 445
6 AND 446 OF THE CODE OF PUBLIC LOCAL LAWS OF HARFORD COUNTY (1965
7 EDITION, 1971 SUPPLEMENT, AS AMENDED) AND THE PUBLIC WORKS
8 AGREEMENT DATED MARCH 4, 1975, FOR THE INSTALLATION OF WATER
9 SERVICE ONLY. UPON APPLICATION BY A PERSON AFFECTED, ANY AND ALL
10 BENEFIT ASSESSMENTS, CONNECTION CHARGES AND METER INSTALLATION
11 CHARGES PREVIOUSLY PAID PURSUANT TO THE PUBLIC WORKS AGREEMENT
12 DATED MARCH 4, 1975, SHALL BE REFUNDED.

13 (d) THE PROVISIONS OF THIS ACT SHALL APPLY TO PERSONS
14 AFFECTED AS DEFINED ABOVE, AND TO THEIR SUCCESSORS AND/OR ASSIGNS.

15 (e) A COPY OF THIS ACT, THE AGREEMENT DATED MARCH 4, 1975,
16 AND ALL SUBSEQUENT AGREEMENTS BETWEEN PERSONS AFFECTED AND HARFORD
17 COUNTY, MARYLAND, SHALL BE RECORDED IN THE LAND RECORDS OF
18 HARFORD COUNTY.

19 Section 2. *And Be It Further Enacted*, that this Act is hereby
20 declared to be an Emergency Act, necessary for the public health
21 and welfare, and shall take effect on the date it becomes law.

22
23 EFFECTIVE: April 13, 1976
24
25
26

27 The Secretary of the Council on Governmental Relations hereby
28 certify that fifty (50) copies of this bill
29 are immediately available for distribution to
30 the public and the press.

31 *Angela Marsh*
32 Secretary

BY THE COUNCIL

Read the third time.

Passed LSD 76-9 March 16, 1976 (with amendments)

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By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 17th day of March, 1976
at 3:00 o'clock P.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

County Executive

Date

Bill No. 76-10 (as amended) is hereby vetoed in toto this seventh day of April 1976 in accordance with Section 311 of the Charter of Harford County, Maryland.

Charles B. Anderson
Charles B. Anderson, County Executive

BY THE COUNCIL

This Bill, having been passed by the yeas of at least five (5) members of the Council notwithstanding the objections of the Executive, becomes law on April 13, 1976.

Angela Markowski
Angela Markowski, Secretary

Rec'd for record 4/22 1976 at 11:30 A.M.
Same day recorded & examined, per
H. Douglas Chilcoat, Clerk